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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/007,838

11/08/2001

Orazio Pater

1330/4

7630

30016 7590 08/06/2008

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EXAMINER

GRAHAM, CLEMENT B

ART UNIT

PAPER NUMBER

3692

MAIL DATE

DELIVERY MODE

08/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/007,838	Applicant(s) PATER ET AL.	
	Examiner CLEMENT B. GRAHAM	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/8/02, 6/10/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-3, 5-28 remained pending in this Application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-28, are rejected are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitchcock 5050207) in view Hilt et al (Hereinafter Hilt U.S Patent No: 5, 465, 206).

As per claim 1, Hitchcock discloses an electronic payment system for a customer to direct payment over an electronic funds transfer network from an originating bank, comprising: means for receiving payment input data (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43)

means for storing funds transfer static data the funds transfer static data including identification of the electronic funds transfer network selected by the customer; means for storing funds transfer status data; means for generating a funds transfer data from the payment input data the funds transfer static data and the funds transfer status data and means for generating funds transfer data from the payment input data and the funds transfer status data and means for generating a funds transfer instruction from the funds transfer data (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43)

Hitchcock fails to explicitly teach wherein the funds transfer data is appropriate to the originating bank.

However Hilt discloses Bill pay system 50 includes most of the same participants as bill pay system: consumer C, Bank C, Bank B, possibly a lockbox operator (not shown in FIG. 2), and

billers B, who is typically not a proactive or willing participant in this system. Additionally, a service bureau S and a Bank S are participants, with service bureau S maintaining a service database 54 which is used to match bill payment orders with billers. The material passing among the participants includes bill 30 as in prior example as well as bill payment order and related confirmation of receipt 66 (both typically transmitted electronically), an enrollment package a biller confirmation a bill payment ("check and list") which includes check. (see Note abstract and see column 10 lines 34-62 and column 12 lines 41-67).

Therefore it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teaching of Hitchcock to include wherein the funds transfer data is appropriate to the originating bank taught by Hilt in order to allow a consumer to direct their bank, an agent of their bank, or a non-bank bill pay service bureau to pay amounts owed to merchants, service providers and other billers who bill consumers for amounts owed.

As per claim 2, Hitchcock discloses wherein the funds transfer instruction generating means is responsive to funds transfer business logic data (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 3, Hitchcock discloses wherein the funds transfer static data comprises bank funds transfer information (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

As per claim 4, Hitchcock discloses wherein the funds transfer static data comprises credit card funds transfer information (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

As per claim 5, Hitchcock discloses wherein the customer provides the payment input data over the Internet from a personal computer (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

As per claim 6, Hitchcock discloses wherein the personal computer sends the payment input data in response to a single action (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

As per claim 7, Hitchcock discloses wherein the personal computer provides a payment button to send the payment input data at a single click of the payment button (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

As per claim 8, Hitchcock discloses wherein the payment button appears on a merchant Web page.(see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

As per claim 9, Hitchcock discloses wherein the payment button appears in an electronic wallet (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

As per claim 10, Hitchcock discloses wherein the payment button provides a blank for the customer to enter a customer ID (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

As per claim 11, Hitchcock discloses wherein the customer provides the payment input data over a wireless communications network (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

As per claim 12, Hitchcock discloses wherein the customer provides the payment input data over a private communications network (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

As per claim 13, Hitchcock discloses wherein the payment input data comprises customer identification, payment amount, and transaction date (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

As per claim 14, Hitchcock discloses wherein the payment input data further comprises customer authentication information (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

As per claim 15, Hitchcock discloses wherein the electronic funds transfer network is pre-determined. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 16, Hitchcock discloses wherein the electronic funds transfer network is selected from the group consisting of FEDWIRE, ACH, SWIFT, and CHIP (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

As per claim 17, Hitchcock discloses an electronic payment method for a customer to direct payment over an electronic funds transfer network from an originating bank, comprising the steps of establishing funds transfer static data the funds transfer static data including identification of

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the electronic funds transfer network selected by the customer see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43) completing a transaction to the point of payment; pushing a payment button to transmit payment input data see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43) means for generating funds transfer data from the payment input data and the funds transfer status data and means for generating a funds transfer instruction from the funds transfer data see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

Hitchcock fails to explicitly teach wherein the funds transfer data is appropriate to the originating bank.

However Hilt discloses Bill pay system 50 includes most of the same participants as bill pay system: consumer C, Bank C, Bank B, possibly a lockbox operator (not shown in FIG. 2), and biller B, who is typically not a proactive or willing participant in this system. Additionally, a service bureau S and a Bank S are participants, with service bureau S maintaining a service database 54 which is used to match bill payment orders with billers. The material passing among the participants includes bill 30 as in prior example as well as bill payment order and related confirmation of receipt 66 (both typically transmitted electronically), an enrollment package a biller confirmation a bill payment ("check and list") which includes check. (see Note abstract and see column 10 lines 34-62 and column 12 lines 41-67).

Therefore it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teaching of Hitchcock to include wherein the funds transfer data is appropriate to the originating bank taught by Hilt in order to allow a consumer to direct their bank, an agent of their bank, or a non-bank bill pay service bureau to pay amounts owed to merchants, service providers and other billers who bill consumers for amounts owed.

As per claim 18, Hitchcock discloses further comprising the step of authenticating the identity of the customer (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

As per claim 19, Hitchcock discloses wherein the step of authenticating the identity of the customer further comprises the step of checking a personal identification number. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 20, Hitchcock discloses wherein the step of authenticating the identity of the customer further comprises the step of checking biometric information (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

As per claim 21, Hitchcock discloses wherein the step of authenticating the identity of the customer further comprises the step of checking a software key (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

As per claim 22, Hitchcock discloses a computer readable medium storing a computer program for electronic payment, the computer program comprising:
computer readable code for establishing funds transfer static data, the funds transfer static data including identification of the electronic funds transfer network selected by the customer
computer readable code for completing a transaction to the point of payment (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43)
computer readable code for pushing a payment button to transmit payment input data
computer readable code for creating funds transfer status data(see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43)
computer readable code for adding the funds transfer static data and the funds transfer status data to the payment input data to form funds transfer data; computer (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43)
computer readable code for monitoring the funds transfer data and conditions, computer readable code for extracting funds transfer instructions from the funds transfer data by applying a funds transfer interface when the conditions are met and adding funds transfer static data (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

Hitchcock fails to explicitly teach computer readable code for sending the funds transfer instructions to the originating bank.

However Hilt discloses Bill pay system 50 includes most of the same participants as bill pay system: consumer C, Bank C, Bank B, possibly a lockbox operator (not shown in FIG. 2), and biller B, who is typically not a proactive or willing participant in this system. Additionally, a service bureau S and a Bank S are participants, with service bureau S maintaining a service database 54 which is used to match bill payment orders with billers. The material passing among the participants includes bill 30 as in prior example as well as bill payment order and related

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confirmation of receipt 66 (both typically transmitted electronically), an enrollment package a biller confirmation a bill payment ("check and list") which includes check.(see Note abstract and see column 10 lines 34-62 and column 12 lines 41-67).

Therefore it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teaching of Hitchcock to include computer readable code for sending the funds transfer instructions to the originating bank taught by Hilt in order to allow a consumer to direct their bank, an agent of their bank, or a non-bank bill pay service bureau to pay amounts owed to merchants, service providers and other billers who bill consumers for amounts owed.

As per claim 23, Hitchcock discloses wherein the computer program further comprises computer readable code for authenticating the identity of the customer. (see column 6 lines 18-44 and column 47 lines 40-64 and column 56 lines 30-67 and column 57 lines 1-20 and column 81 lines 15-34).

As per claim 24, Hitchcock discloses wherein the identification of the electronic funds transfer network comprises an electronic funds transfer network number (EFTN #) for the electronic funds transfer network (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

As per claim 25, Hitchcock discloses wherein the identification of the electronic funds transfer network comprises an electronic funds transfer network number (EFTN #) for the electronic funds transfer network (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

As per claim 26, Hitchcock discloses wherein the electronic funds transfer network is selected from the group consisting of FEDWIRE, ACH, SWIFT, and CHIP (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

As per claim 27, Hitchcock discloses wherein the identification of the electronic funds transfer network comprises an electronic funds transfer network number (EFTN #) for the electronic funds transfer network (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

As per claim 28, Hitchcock discloses wherein the electronic funds transfer network is selected from the group consisting of FEDWIRE, ACH, SWIFT, and CHIP. (see column 3 lines 44-63 and column 7 lines 43-67 and column 8 lines 1-67 and column 9 lines 1-43).

Conclusion
RESPONSE TO ARGUMENTS

4. Applicant's arguments filed 5/5/2008 has been fully considered but they are moot in view of new grounds of rejections.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CLEMENT B. GRAHAM** whose telephone number is (571)272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Frantzy Poinvil/
Primary Examiner, Art Unit 3692**

CG

August 02, 2008